



EXECUTIVE DEPARTMENT

EXECUTIVE ORDER NO. KBB 2004 - 43

LOUISIANA'S PLAN FOR CHOICE IN LONG-TERM CARE

- WHEREAS,** it is desirable that Louisiana residents, who are elderly or have disabilities, and their families, have choices from among a broad range of services and supports to most effectively meet their needs in their homes, community settings, facilities, or other residential settings;
- WHEREAS,** the state of Louisiana is committed to providing a full array of quality, long-term care services for the elderly and persons with disabilities, within resources available to the state, and recognizes that such supports and services advance the best interests of all Louisiana citizens;
- WHEREAS,** direction has been provided to states under the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. 12101 *et seq.* and the United States Supreme Court's decision in *Olmstead v. L.C.*, 527 U.S. 581 (1999);
- WHEREAS,** the President's Executive Order 13217, part of the New Freedom Initiative, recognizes the need to have long-term care systems that offer community-based alternatives to foster independence and participation in the community for persons of all ages with disabilities;
- WHEREAS,** Louisiana is committed to developing a long-term care system that offers the elderly and people with disabilities the opportunity to enjoy full lives of inclusion, productivity, and self-determination;
- WHEREAS,** in March, 2004, Louisiana held a Health Care Summit and formed the Health Care Reform Panel to assist in restructuring Louisiana's health care delivery system to meet the needs of its citizens by providing quality health care services in a cost effective manner;
- WHEREAS,** Louisiana has expanded its initiatives to provide further opportunities for the elderly and persons with disabilities to live productively in settings of their choice, and has done so through the pursuit of federal grants, Medicaid home and community-based service waivers, State Plan optional services, and changes to policies and procedures that increase the array of service options available to enable people to choose services that best meet their needs and preferences;
- WHEREAS,** accessible, affordable, and integrated housing; accessible, affordable transportation; and educational, vocational, and avocational opportunities are integral components of inclusion and independence for the elderly and persons with disabilities; and
- WHEREAS,** the citizens of the state of Louisiana will best be served by the adoption of a state policy on long-term care, a plan that enhances choice within Louisiana's long-term care system that is based on national best practices as well as broad stakeholder input;

NOW THEREFORE I, KATHLEEN BABINEAUX BLANCO, Governor of the state of Louisiana, by virtue of the authority vested by the Constitution and laws of the state of Louisiana, do hereby order and direct as follows:

SECTION 1: The Department of Health and Hospitals shall be the lead agency and shall convene the Department of Social Services, the Governor's Office of Elderly Affairs, and the Governor's Office of Disability Affairs to develop a plan identifying administrative actions for immediate implementation and legislative actions for consideration in the 2005 Regular Session of the Louisiana Legislature (hereafter "Plan for Immediate Action"). A draft Plan for Immediate Action for reform of Louisiana's long-term care system shall be submitted to the Health Care Reform Panel for consideration at its December 2004 meeting. There shall be presentations made to the Regional Healthcare Consortia and other bodies as appropriate. The Plan for Immediate Action shall then be submitted to the Health Care Reform Panel for final review and comment at its March 2005 meeting prior to submission to the governor for consideration and approval.

SECTION 2: A. Upon completion of the Plan for Immediate Action, the Department of Health and Hospitals shall be the lead agency and shall convene the Department of Social Services, the Department of Transportation and Development, the Department of Public Safety and Corrections, the Department of Labor, the Department of Education, the Department of Veterans Affairs, the Department of Economic Development, the Governor's Office of Elderly Affairs, the Governor's Office of Disability Affairs, the Louisiana Housing Finance Agency, and the Louisiana State Board of Nursing (hereafter "Agencies"), to develop a comprehensive and effective plan for reform of Louisiana's long-term care system that may reasonably be achieved by 2010 with the resources that are available to the state. The comprehensive plan shall be presented to the Health Care Reform Panel no later than December, 2005. Upon obtaining input from the Health Care Reform Panel, this comprehensive plan shall be presented to the governor for consideration and approval and shall thereafter constitute Louisiana's Plan for Choice in Long-Term Care (hereafter "Louisiana's Plan").

B. Louisiana's Plan shall include, but is not limited to, the following:

1. A review and analysis of all laws, rules and regulations, programs and/or policies of the state of Louisiana and/or any of the departments, commissions, boards, agencies, and/or offices in the executive branch thereof, which pertain to long-term supports and services, to identify barriers to choice and make recommendations that would enable residents of Louisiana who require assistance to have more choices of where services are provided;
2. Proposals for administrative restructuring, programs, policies, procedures and/or partnerships to improve the long-term care delivery system, including non-medical services like transportation, housing, education and vocational assistance that are necessary if long-term care recipients are to be fully integrated participants in the lives of their communities, which are achievable within the resources that are available to the state;
3. Analysis of programmatic, procedural and fiscal impacts of any policies/practices recommended for adoption;
4. Exploration of means to secure increased funding for community-based services for persons needing long-term assistance; and
5. Recommendations on strategies to educate the public as to

long-term care services and methods of accessing long-term care services, as well as to the need for personal responsibility in financial planning for future long-term care needs.

SECTION 3: In developing both the Plan for Immediate Action and the Louisiana's Plan, the Agencies will:

1. Seek input from a broad range of stakeholders, including consumers, their family members, and their advocates, as well as providers of both institutional and community-based services;
2. Consider all existing studies, reports, and settlement agreements related to Louisiana's system of long-term services and supports;
3. Consider all proposals within the context of resources available to the state;
4. Take advantage of relevant work already underway and/or completed by the Agencies and various statewide task forces, councils, commissions, and other bodies that have convened to address issues related to long-term care; and
5. Seek consultation from nationally recognized experts and officials in other states in order to identify promising and/or proven practices that are consumer-centered, research-based, cost effective, and applicable to improving accessibility, capacity, quality, and financing across all long-term care services and supports; and to increasing community-based options for long-term care in Louisiana.

SECTION 4: Upon approval of Louisiana's Plan, the Agencies will meet quarterly to review progress in the implementation of the plan and will revise the plan as needed based on lessons learned, stakeholders input, and advances in best practices for long-term care delivery.

SECTION 5: The secretary of the Department of Health and Hospitals, as chair of the Governor's Health Care Reform Panel, shall submit the Plan for Immediate Action and Louisiana's Plan to the governor for consideration and approval.

SECTION 6: All departments, commissions, boards, offices, entities, agencies, and officers of the state of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the implementation of the provisions of this Order.

SECTION 7: This Order is effective upon signature and shall continue in effect until amended, modified, terminated, or rescinded by the governor, or terminated by operation of law.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the city of Baton Rouge, on this 22nd day of October, 2004.

/S/ Kathleen Babineaux Blanco
GOVERNOR OF LOUISIANA

ATTEST BY
THE GOVERNOR

/S/ Fox W. McKeithen
SECRETARY OF STATE